

Butler, Steven 4/26/2007 10:57:00 AM

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)
)
Plaintiffs,)

vs.) 4:05-CV-00329-TCK-SAJ

)
TYSON FOODS, INC., et al,)
)
Defendants.)

THE DEPOSITION OF STEVE

BUTLER, produced as a witness on behalf of the
Plaintiff in the above styled and numbered cause,
taken on the 26th day of April, 2007, in the City of
West Siloam Springs, County of Delaware, State of
Oklahoma, before me, Lisa A. Steinmeyer, a Certified
Shorthand Reporter, duly certified under and by
virtue of the laws of the State of Oklahoma.

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1 (Whereupon, the deposition began at
2 9:05 a.m.)

3 STEVE BUTLER

4 having first been duly sworn to testify the truth,
5 the whole truth and nothing but the truth, testified
6 as follows:

7 DIRECT EXAMINATION

8 BY MR. GARREN:

9 Q Mr. Butler, my name is Richard Garren. I'm
10 here representing the State of Oklahoma and I have a 09:05AM
11 few preparatory questions. Have you ever given a
12 deposition before?

13 A No, sir.

14 Q Okay. It's really pretty simple. I'm going
15 to be asking the questions and it's going to be your 09:05AM
16 responsibility to answer those as best you can.
17 Probably the first rule you need to use is that you
18 would answer verbally so that Lisa, our court
19 reporter, can take those responses down and get them
20 correct. It's all too easy for us in conversation 09:06AM
21 to get used to nodding our head or saying uh-huh or
22 huh-uh. Those don't come across good, and so that
23 we have a good Record, I'd ask you to respond yes or
24 no and refrain from nodding your head when
25 necessary. Okay? 09:06AM

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1 A Okay.

2 Q Will you agree to do that now?

3 A I'll do my best.

4 Q There you go. That's a start. At any time

5 during this deposition we'll be taking breaks. I 09:06AM

6 mean it's not a trial by ordeal here. So if you

7 feel it necessary to take a break or get up and

8 stretch, we'll do that, and I sometimes lose track

9 of time, so don't hesitate to mention it. Ken is

10 good about reminding me. 09:06AM

11 MR. WILLIAMS: A special accommodation, to

12 let you know, Rick, Mr. Butler suffers from

13 arthritis and may need to get up and stretch.

14 Q I don't care whether you answer your questions

15 standing up or sitting down. That's up to you. 09:06AM

16 MR. WILLIAMS: Just letting you know.

17 A Thank you.

18 Q And we'll have some documents you'll be asked

19 to review and look at and other than that, it will

20 go pretty simple. There will be some objections. 09:07AM

21 Generally the rules of these objections are that

22 even though objections are made, you will be

23 requested to go ahead and answer that question as

24 proposed to you.

25 A All right. Could you say that again? There's 09:07AM

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1 going to be objections?

2 Q These attorneys will periodically object
3 because they don't like what I'm asking either by
4 way of form or something else. They do that for the
5 purpose of making a Record so that perhaps a 09:07AM
6 magistrate or judge may rule on those later on, but
7 we'll ask you to go ahead and answer it. It may
8 distract you momentarily but just so you'll be
9 prepared to understand that those things will be
10 occurring during this deposition. 09:07AM

11 A All right, but then I am required to answer
12 after that objection?

13 Q Yes. If you don't understand a question I
14 have for you, please ask me to rephrase it and I'll
15 attempt to make it so it is easy to understand and 09:08AM
16 you and I are on the same wavelength about what it
17 is I've asked and what it is you've responded to.

18 A All right.

19 Q Okay. Now, to start with, go ahead and give
20 your full name for the court and this Record. 09:08AM

21 A Stephen Lynn Butler.

22 Q And what is your current residence address?

23 A It's 19688 Shinn, S-H-I-N-N, Springs Road,
24 Siloam Springs, Arkansas.

25 Q And are you a married person? 09:08AM

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1 A Yes.

2 Q Does your wife live with you at that address?

3 A Yes.

4 Q Do you have any children that live with you

5 there? 09:08AM

6 A Yes.

7 Q How many?

8 A One.

9 Q The age?

10 A Thirteen. 09:08AM

11 Q Boy or girl?

12 A Girl.

13 Q Mr. Butler, I'm handing you what's been marked

14 as Exhibits LA and 1B and I'll represent to you that

15 those are copies of the subpoenas that were 09:09AM

16 forwarded to you through your attorney, Mr.

17 Williams. Do you recognize those documents?

18 A I do.

19 Q All right, and one is addressed to you, Steve

20 Butler, which is 1A, and one is addressed to Green 09:09AM

21 Country Farms, LLC, as 1B. Do you see that?

22 A I do.

23 Q All right. Did you review these documents

24 when you received them; did you read them and review

25 them? 09:09AM

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1 A Yes, I did.

2 Q And these documents require and request of you
3 to provide various documents, do they not?

4 A They do.

5 Q And did you in fact search out your records, 09:09AM
6 both personal and for Green Country, LLC, to
7 identify and produce those records that are set
8 forth in these two subpoenas?

9 A Would you repeat that?

10 Q Did you search out and review your records for 09:10AM
11 those documents that have been requested to be
12 produced under the subpoena?

13 A For Green Country Farms?

14 Q And yourself personally?

15 A I did for Green Country Farms. Steve Butler 09:10AM
16 -- I thought this was to cover the bases to make
17 sure Green Country Farms -- so yes. Do you
18 understand what --

19 MR. WILLIAMS: Subject to the objections
20 that we made on behalf of Mr. Butler, he did make a 09:10AM
21 search is what I think he is telling you.

22 A Yes.

23 Q Do you keep records -- let me ask you this one
24 first off. You're a poultry grower; correct?

25 A Correct. 09:10AM

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1 Q You grow poultry for which company?

2 A Tyson Foods.

3 Q Do you grow poultry as an individual, in your
4 name individually for Tyson Foods?

5 A I do in Arkansas doing business as Lost Acres 09:11AM
6 Farms.

7 Q I'm familiar with that. We'll talk about that
8 later. So to the extent that you do, did you look
9 for and obtain documents relative to your growing
10 operation as Steve Butler doing business as Lost 09:11AM
11 Acres Farms?

12 A I did not.

13 Q So those documents have not been produced at
14 all; is that correct?

15 A No, sir. 09:11AM

16 Q It is correct that you didn't produce them?

17 A That is correct. I was not -- I understood it
18 to be the Oklahoma farms and Green Country.

19 Q Now that we know that, that will be helpful in
20 some of the questions I have to ask for you. So 09:11AM
21 with regard to Green Country, are those -- is Green
22 Country operated solely in Oklahoma, Green
23 Country -- let me back up. When I refer to Green
24 Country today, we'll be referring to the LLC Green
25 Country Farms; will you understand that? 09:12AM

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1 A Right.

2 Q Do you have any problem with me using that
3 term?

4 A That's the way I would refer to it also.

5 Q So when I use the term Green Country, we know 09:12AM
6 we're talking about the LLC?

7 A Right.

8 Q Sometimes I'll say you. Most likely today it
9 will be collectively you and Green Country. If you
10 feel it's necessary to clarify as you've tried to 09:12AM
11 do, please do so, but I'm trying to get the total
12 breadth and scope of your operation as a poultry
13 grower for Tyson, and since we know you grow
14 personally in Arkansas and you grow through the
15 Green Country in Oklahoma, we're talking about both. 09:12AM
16 All right?

17 A Okay.

18 Q And when I refer to Tyson, let's go ahead and
19 get that on the table. Tyson has four entities that
20 I'm aware that are involved in this litigation, 09:12AM
21 Tyson, Inc., Tyson Chicken, Tyson Poultry and
22 Cobb-Vantress. So when I refer to the term Tyson,
23 I'm referring to the Tyson entities. If you feel
24 there's some confusion by that question, please let
25 me know and if you want to refer to a single entity 09:12AM

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1 of those Tyson companies, then please let me know
2 that. Would you do that?

3 A I will, and can I make a statement as far as
4 like Cobb-Vantress, I have nothing to do with.

5 Q Okay, and that's fine. 09:13AM

6 A The Tyson attorney here might could say which
7 Tyson entity that I raise for. I think it's Tyson
8 Chicken but I'm not --

9 MR. WILLIAMS: He can't help you.

10 A I'm not 100 percent correct but I just deal 09:13AM
11 with one.

12 Q Okay. As far as you know, that is the only
13 company you deal with at all times in your growing
14 operation as Green Country?

15 A Yes, and I consider it Tyson Noel. Noel 09:13AM
16 division is the way I refer to Tyson.

17 Q Does that include your farm in Arkansas?

18 A Yes, it does.

19 Q So let's get back to the subpoena. Why don't
20 we talk about the subpoena then that is 1B, which is 09:13AM
21 Green Country. We'll start with that one.

22 A Okay.

23 Q I want to ask you when you reviewed this
24 document, did you produce all the documents that's
25 requested for this subpoena? Let me rephrase it. 09:14AM